



Public Notice

**U.S. Army Corps
Of Engineers
Galveston District**

Permit Application No: 22963
Date Issued: 28 March 2003
Comments Due: 28 April 2003

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: Ms. Jerry Slate
P.O. Box 208
Seadrift, Texas 77983-0208

AGENT: Gremminger & Associates, Inc.
2001 East Sabine, Suite 202
Victoria, Texas 77901
Telephone: 361-570-0091
POC: Mr. Larry Gremminger

LOCATION: The project is located at Wilmer's Bayou and San Antonio Bay, west of Seadrift, Calhoun County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Seadrift, Texas. Approximate UTM Coordinates: Zone 14; Easting: 722200; Northing: 3144500.

PROJECT DESCRIPTION: The applicant proposes to construct a non-commercial marina, dredge a 600 x 30-foot access channel, construct a rock groin, and install bulkheads, boat stalls and board walkways. The rock groin is to be built using land based equipment, with construction beginning from land and proceeding waterward. The majority of the access channel will be hydraulically dredged, however

parts that can be reached from shore will be excavated from shore. Existing basin depths average six feet, with some areas that are deeper and some that are shallower. The applicant may temporarily dam the marina opening, and then dewater and contour the basin as proposed on sheet 4. Dredged materials will be placed behind the proposed bulkhead and on upland lots. A 30-foot by 30-foot access channel will also be excavated from Wilmer's Bayou to the basin to allow lot owners with frontage on Wilmer's Bayou to more readily access the basin. The proposed marina basin is situated in the location of an existing basin that once accommodated a shell dredging operation. The proposed bulkhead on San Antonio Bay is situated in a highly erosive environment where significant land has reportedly been lost to wave action. The proposed work will result in the filling of 10,620 square feet of jurisdictional area, of which 1,415 square feet contain emergent wetlands. Proposed excavation will impact 3,504 square feet of emergent wetlands, 1,180 square feet of unvegetated shoreline and 18,000 square feet of bay bottom associated with shallow water. The rock groin will displace 4,200 square feet of similar habitat. Mitigation in the form of 0.12 acres of wetland creation is proposed to offset adverse wetland impacts.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

STATE WATER QUALITY CERTIFICATION: This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

The return water from the upland contained disposal area requires authorization under Nationwide Permit 16. Prior to the performance of hydraulic dredging, the applicant will obtain a Clean Water Act Section 401 water quality certification from the Texas Commission on Environmental Quality for the effluent or return water. A copy of the 401 certification must also be furnished to the Corps of Engineers prior to performing hydraulic dredging.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The permit area is likely to yield resources eligible for inclusion in the National Register of Historic Places. An investigation for the presence of potentially eligible historic properties is justified.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall

public interest of the proposed activity. This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **28 April 2003**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should be submitted to:

John Wong
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